REMARKS / ARGUMENTS

The enclosed is responsive to the Examiner's Office Action mailed on April 20, 2006. At the time the Examiner mailed the Office Action claims 1-103 were pending. By way of the present response the Applicants have: 1) amended claim 1; 2) added no new claims; 3) have not canceled any claims. As such, claims 1-103 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections 35 USC §112

The Examiner has rejected under 35 USC §112, second paragraph, claims 1-15 as being vague and indefinite because of the vagueness of the term "beneath" in claim 1, and as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. The omitted elements are: the purpose of the first flow timeout threshold level and the second flow timeout threshold level.

Without admitting to the propriety of the §112 rejections, claim 1 has been amended. Applicant respectfully submits that the §112 rejections are moot in view of the amendment.

Claim Rejections 35 USC §102

The Examiner rejected claims 16-26, 30-48, 52-70, 74-92, and 96-103 under 35 U.S.C. 102(e) as being anticipated by Kalra, et al., U.S. Patent 5,953,506 (hereinafter "Kalra").

Independent claim 16 recites:

16.   A method, comprising:
a) **updating statistics that characterize an existing transaction over a network between a client and a server so that said statistics reflect an arrival event, said transaction comprising a series of messages sent to said client from said server that each contain their own portion of data**

that is desired by said client, wherein, said arrival event is the arrival of one of said messages at said client, said statistics being maintained by said client; and

b) inquiring at said client whether increasing the informational flow of said transaction is appropriate in light of said arrival event.

(Emphasis added).

Kalra fails at least to disclose the above emphasized claim language. The Examiner, however, cites Kalra's Abstract, Figure 2A, Figure 24's item 806, column 23's lines 58-67 and column 24's lines 50-61 and alleges that these cited sections of Kalra teach or suggest the above emphasized limitation of claim 16. The Abstract of Kalra discloses a method of selecting the best stream combinations according to a profile associated with a client computer to provide the maximum performance for video or audio streaming. As far as Kalra discloses, the profile associated with a client computer reflects the characteristics of the client computer, not statistics reflecting an arrival of a message, sent from a server, at the client computer, such as recited in claim 16. Kalra's column 23, lines 58-67 does not even contain a hint regarding updating statistics reflecting an arrival of a message, sent from a server, at the client computer. Kalra's column 24, lines 50-61 discuss a statistics set 806 that contains run time performance information on the client including time used to render the previous frame, processing vertices (transformation, lighting etc.), scan converting the polygons, texturing the polygons, accessing textures, also number of visible objects, number and size of textures etc. None of the above mentioned statistics is relevant to statistics recited in claim 16, namely, statistics that characterize an existing transaction over a network between a client and a server so that said statistics reflect an arrival event, said transaction comprising a series of messages sent to said client from said server that each contain their own portion of data that is desired by said client, wherein, said arrival event is the arrival of one of said messages at said client.

Thus, at least for the foregoing reasons, Kalra does not anticipate claim 16. Claim 16 and all claims which depend on it are patentable over Kalra.

The examiner's attention is also drawn to each of the remaining independent claims (i.e. claims 38, 60, and 82). Note that each of the remaining claims references the updating of network statistics and the performance or inquiring as to action in response to the event of individual network messages arriving. In light of the above commentary, therefore, the Applicant respectfully submits that each of the independent claims in the present application is patentable over the Kalra reference. Moreover, because all independent claims are allowable, all dependent claims are likewise allowable over the Kalra reference.

The Examiner rejected claims 16, 38, 60 and 82 under 35 U.S.C. 102(e) as being anticipated by Allard, et al., U.S. Patent 6,018,619 (hereinafter "Allard"). Applicant traverses the rejections and respectfully disagrees.

Allard discloses a method for tracking usage patterns of users of hypermedia systems, such as the World-Wide Web, that creates a usage log on a user's client computer and periodically transmits the usage log from the user's client machine to a usage tracking server computer to be incorporated in an overall usage log for a given information server computer (Allard's Abstract). The usage log created on the user's client computer records all <u>objects</u> retrieved from a particular Web site and other attributes of user processing such as <u>time spent viewing an object, amount of an object viewed</u>, etc., not statistics reflecting an <u>arrival</u> of a <u>message among a series of messages sent from a server</u> at the client computer, such as recited in claim 16.

In addition, claim 16 also recites the limitation of <u>inquiring at said client whether increasing the informational flow of said transaction is appropriate in light of said arrival event</u>. The Examiner cites Allard's Abstract, Figure 2, column 6's lines 54-64 and column 15's lines 1-29, and alleges that the above cited sections teach or suggest that limitation. Applicant, however, finds no discussion, not event a hint, regarding <u>inquiring at said client whether increasing the informational flow of said transaction is appropriate in light of said arrival event</u> from the above cited sections.

Specifically, column 6, lines 54-64 and column 15, lines 1-29 discuss functionality of a cache in a proxy server to speed up a client's access of stored information in the cache, not <u>inquiring at said client whether increasing the informational flow of said transaction is appropriate in light of said arrival event</u>.

Thus, at least for the foregoing reasons, Allard does not teach or suggest each and every limitation of claim 16. Therefore, claim 16 and all claims which depend on it are patentable over Allard.

Similarly, independent claims 38, 60 and 82 each recites essentially similarly limitations as discussed above for claim 16. For similar reasons, claims 38, 60, 82 and all claims which depend on them are also patentable over Allard.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

CONCLUSION

For the reasons provided above, applicant respectfully submits that the current set of claims are allowable. If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Robert B. O'Rourke at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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